

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

No. 1:21-cv-00083-MV-JFR

**EXHIBIT**  
**2**

SUSIE ZAPATA and MONICA GARCIA,

Plaintiffs,

vs.

LEON MARTINEZ, ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BERLEEN ESTEVAN,  
and SUMMIT FOOD SERVICE, LLC,

Defendants.

DEPOSITION OF BERLEEN ESTEVAN  
March 14, 2022  
10:30 a.m.  
Via Zoom Virtual Platform  
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE, this deposition  
was:

TAKEN BY: STEVEN R. ALLEN, ESQUIRE  
ATTORNEY FOR THE PLAINTIFFS

REPORTED BY: ROBIN E. JOHNSON, NM CCR 105, CA, TX  
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Page 26

1 don't know -- like I don't know his scope of work, what he's  
2 supposed to do. I cannot answer that. I don't know. But I know  
3 that in any place, in any business establishment there is always  
4 somebody above or a safety officer, a fire safety officer that  
5 you have to report to. As far as like their roles and what they  
6 are supposed to take on, I don't know.

7 **Q. Did you, um, did you ever report issues related to**  
8 **rodents to Mr. Sanchez at Western?**

9 A. Uh-huh.

10 **Q. Tell me about what you remember of that.**

11 A. So, I would report like where I seen them, what cooler  
12 or where -- where we found like the feces, um, report it to him.  
13 Or, if he was on vacation, then you always know that you have  
14 master control. Who was in there, you know, when we were  
15 working, I don't know. But that's normally -- if it's on a  
16 weekend, there is a shift commander that you report to.

17 **Q. How many times do you think you spoke with Mr. Sanchez**  
18 **about the presence of rodents at Western?**

19 A. Can you explain that a little bit more?

20 **Q. Yeah. You mentioned that --**

21 **You know, I asked you if you had ever spoken with**  
22 **Mr. Sanchez about rodents at Western, and you said you had. I'm**  
23 **just wondering how many times that ever happened.**

24 A. Like the last year, or?

25 **Q. During your entire time at Western.**

Page 28

1 **sometimes about controlling rodents?**

2 **It sounds like earlier on in your time at Western it**  
3 **was every couple days.**

4 **Did that taper off?**

5 A. Yeah. Yeah, it did. Yes.

6 **Q. And around what time did that taper off, the timeframe?**

7 A. I cannot recall. I can't -- I can't recall. I --

8 **Q. Um, was it -- was it recently then it tapered off?**

9 **Because you were working at Western until November of**  
10 **last year, correct?**

11 A. Yes.

12 MS. MOULTON: Objection to form.

13 **Q. (MR. ALLEN) So, was it sometime in 2021 that it tapered**  
14 **off?**

15 MS. MOULTON: Same objection.

16 A. I -- I don't think so. I -- I -- I don't think so. I  
17 think it was maybe a little bit earlier than that.

18 **Q. (MR. ALLEN) Like what do you think?**

19 **Was it in 2020?**

20 **Was it 2017?**

21 **I'm trying to get like a rough chronology of -- of**  
22 **this.**

23 MS. PULLEN: I'm going to object to the form.

24 MS. MOULTON: Join.

25 A. Um, I -- I really can't answer that. I don't remember

Page 27

1 **I'm sorry. I cut you off. I'm doing what Lisa advised**  
2 **us not to do.**

3 A. Um, I want to say not so much the last couple years,  
4 but before that. I want to say maybe, I don't know, maybe every  
5 other day, every two days.

6 **Q. You spoke with Mr. Sanchez approximately every two**  
7 **days.**

8 **And what approximate timeframe was that that you're**  
9 **referencing in terms of month and year?**

10 I know it's a long time ago. So, I understand it's  
11 difficult to recall, but.

12 A. Um, you know, like I said, it was just like every two  
13 days, every other day. I don't -- mouse aren't seasonal. I  
14 don't know. Whenever we saw them or we saw feces, then we would  
15 let them know, like I said. But there was a process at the end,  
16 um, that I was there that they implemented, so.

17 **Q. And was that a process to, um, to control the rodents?**

18 A. No, to, um, like if you saw rodent feces then you would  
19 let the, um, shift commander know. And then he would do, um, his  
20 part and, um, get his staff and the biohazard team to come in,  
21 the biohazard inmate team to come in and clean it up. So, we  
22 wouldn't like to have to clean it up for cross-contamination  
23 purposes.

24 **Q. That makes sense.**

25 **And so, um, so did you still speak to Mr. Sanchez**

Page 29

1 anything, much of anything, like unless you show me a piece of  
2 paper, that happened in 2020 because of my stroke. I -- I  
3 just -- there is some things that I'm just not going to remember.  
4 I can't give you an exact cutoff date. I can't give you an exact  
5 month, day or time that things stopped happening because I  
6 just -- I can't.

7 **Q. (MR. ALLEN) Understood. Yeah. And I certainly**  
8 **wouldn't expect you to give me an exact date. I'm just sort of**  
9 **trying to get a general sense of it.**

10 **So, at one point you were talking with Mr. Sanchez**  
11 **every couple of days about the presence of rodents at Western.**

12 **Did that go on for months?**

13 A. Sometimes, yeah. And not really talking, but just  
14 reporting it, letting him know we found mouse feces here.  
15 Reporting it so he can, you know, take care of the situation.

16 **Q. Did you notice any steps that he took to take care of**  
17 **the situation?**

18 A. Yes.

19 **Q. And what did you notice?**

20 A. He would -- he would let us know like, um, like to make  
21 change. Like he would give us ideas. He would say like: Maybe  
22 put everything in plastic bins. It might help. Maybe if you  
23 clean certain things, you know, it might help.

24 **And we would do that. He would bring us sticky mouse**  
25 **traps. Let us know whenever you need more. Let me know.**

8 (Pages 26 to 29)

Page 34

1 over it. If you have any questions, give me a call, holler at  
2 me. And they go over it, and then they hand it to the staff.  
3 Sometimes, there is a quiz within those trainings. So,  
4 then you give it to them, and then I go back and check them off.

5 **Q. What kinds of topics have been covered recently that**  
6 **you can recall?**

7 A. Um, label and dating. I know the driver safety course,  
8 um, how to stock food, um, cooling off food, like, um, like if  
9 you are sick like, um, when to report to work, when not to report  
10 to work, and, of course, um, that infamous COVID material that  
11 we've probably had more often than anything.

12 **Q. Oh, I bet. Yeah, that makes sense.**

13 MR. ALLEN: Okay. I think what I would like to do is  
14 just take a quick five-minute break, if everyone is okay with  
15 that, and come back at 11:35.

16 (Recess taken from 11:30 until 11:36 a.m.)

17 **Q. (MR. ALLEN) I'm going to try and share my screen. I'm**  
18 **not sure what's easiest, Ms. Estevan. You might want to look at**  
19 **a hard copy. I'm not sure what your setup is on your end, but**  
20 **I'll try and open this up and see what this looks like.**

21 **Can you see that?**

22 MS. PULLEN: Yes. And I've actually got a hard copy  
23 here for her as well.

24 MR. ALLEN: Perfect. Thank you for thinking of that.

25 **Q. (MR. ALLEN) So, this is in response to your, um, to**

Page 36

1 **Was it once a month?**

2 **Was it every day?**

3 **Like how frequently did you see them?**

4 A. In the beginning, sometimes, like daily.

5 **Q. Okay. And in what context did you see them?**

6 **Where were they?**

7 A. Mostly on the floor. Like on the ground.

8 **Q. Were there times when they weren't on the floor?**

9 A. Um, not that I can remember.

10 **Q. So, when you said mostly on the floor, did you mean**  
11 **that you only saw them running around on the floor?**

12 A. Yes.

13 **Q. Okay. Did you ever see nests of rodents in the kitchen**  
14 **while you worked there?**

15 A. Like do I go and look for them, or what do you mean?

16 **Q. Did you see, with your own eyes, nests of rodents in**  
17 **the kitchen?**

18 **Like did you see little baby rodents clustered together**  
19 **in a nest at anytime while you worked at Western?**

20 A. Yes.

21 **Q. Tell me about that.**

22 A. It was like in a box of, um, like, um, they're called  
23 hair bouffants, like you put them on your head to prevent your  
24 hair from going all over. So, it was like in a box like that  
25 way. It would be on the bottom shelf.

Page 35

1 **Interrogatory No. 3, Ms. Estevan, and it's this one that asks**  
2 **about remedial measures to address the presence of rodents at**  
3 **Western from January 1, 2017 through the present.**

4 **And let me look at your answers down here.**

5 **So, the first one, um, it says that you notified WNMCF**  
6 **of possible rodent contamination of food.**

7 **Do you see that text there?**

8 A. Yes.

9 **Q. Can you tell me about that?**

10 **In what ways did you notify them, and who did you**  
11 **notify specifically?**

12 A. So, I would let the fire safety officer, Sanchez, know  
13 that there was like rodents present.

14 **Q. Okay. And you said at one point this was happening**  
15 **approximately every other day?**

16 A. Yes.

17 **Q. Okay. And let's see here. Your answer to No. B, it**  
18 **says that you notified them that they may have entered areas**  
19 **where food was prepared or consumed.**

20 **Did you see rodents yourself in the kitchen?**

21 A. Yes.

22 **Q. And how often did that happen?**

23 A. Um, can you clarify that?

24 **Q. Yeah. Did you see rodents, like the actual animal,**  
25 **like once a week?**

Page 37

1 **Q. What did the nest look like?**

2 A. Like it just -- like, um, chewed-up paper. Like  
3 chewed-up -- like hair bouffants that are chewed up.

4 **Q. And how you did you know it was a rodent nest?**

5 A. Because there was like, um, like you said, little baby  
6 mice in there.

7 **Q. I see.**

8 **How many?**

9 A. Oh, I don't know. I didn't count them.

10 **Q. Were there any other times that you saw rodent nests at**  
11 **Western?**

12 A. No.

13 **Q. That's the only time?**

14 A. That we actually came across one, yes.

15 **Q. Okay. What about rodent feces, like how often did you**  
16 **see that at Western?**

17 A. Like up until like a couple years ago, it was like  
18 almost every day, every other day.

19 **Q. And that's improved over time?**

20 A. Yes.

21 **Q. So, by the time you, um, you left Western, say in 2021,**  
22 **how often did you see rodent feces?**

23 A. Um, never.

24 **Q. Wow. That's a big change.**

25 A. Yeah.

10 (Pages 34 to 37)

Page 38

1 Q. What do you attribute that to?

2 A. Um, me complaining. My e-mail, um, yeah.

3 Q. So, over time it got better just because you raised the

4 alarm about it?

5 MS. PULLEN: Can you hear us okay?

6 MR. ALLEN: I think you cut out there.

7 Q. (MR. ALLEN) Could you repeat your response,

8 Ms. Estevan?

9 A. I'm sorry. Repeat the question.

10 Q. I guess, did you view yourself as raising an alarm

11 about the presence of rodents at Western and that's what led to

12 this change?

13 A. That and working with Western.

14 Q. And what specifically was done to address the presence

15 of rodents at Western?

16 A. Um, like addressing where the actual, like what we

17 thought was the actual place. Um, like the coolers, those are

18 all redone. The coolers and the freezers are all brand-new. We

19 got brand-new kitchen equipment, and then like taking out certain

20 things. Just like, I guess you would say just working with

21 Western, trying to find different avenues to solve the problem.

22 Q. And how did they -- what specifically did they do to

23 redo the coolers and the freezers?

24 A. They, um, demolished them. They took them down. Like

25 wiped out the whole thing, all the way to the ground and, um,

Page 39

1 brought in new -- new frames for them, new -- however they are

2 built. I don't know how to explain it.

3 Q. Wow. So, I mean, that sounds like fairly significant

4 construction.

5 Is that what you're staying?

6 A. Yeah.

7 Q. And what -- how did the kitchen stay running while that

8 construction was happening?

9 A. It was taped off with, um, with a large plastic. And

10 then every night, um, I would have my inmates, um, drape like --

11 like -- I guess you would call them like those painter's plastic.

12 I don't know what they're called, but I would go out and buy them

13 and just drape them all over the equipment so there is no dust or

14 anything. But the company that did the whole construction, they

15 like sealed that part of the, um, freezer and coolers off with a

16 large plastic where it didn't even affect us at all. It didn't

17 affect our operation.

18 Q. Wow. Do you know what company did the construction?

19 A. I cannot recall.

20 Q. Okay. Well, that's helpful.

21 Let's see. Let me go down here in the same document.

22 So, we're looking at Interrogatory No. 4 now and your response to

23 it. And this is the one that asks for you to describe any

24 conversations or communications you had about the presence of

25 rodents at Western.

Page 40

1 And you mentioned that you verbally communicated with

2 personnel, including the warden.

3 Can you tell me, um, which wardens you communicated

4 with about this?

5 A. Um, we went through so many wardens at Western. I know

6 I spoke with, uh, Roberta. Then there was Leon. And then, um,

7 the new lady, the new warden, I don't remember her name.

8 Q. My understanding is that there is these weekly meetings

9 at Western with department the heads.

10 Is that correct?

11 A. I don't know what warden you are referring to. They

12 all ran their -- they all ran the -- they all ran warden meetings

13 different. Not one of them was the same.

14 Q. I see.

15 Did some wardens have, um, meetings with all their

16 department heads and some didn't?

17 A. Yes.

18 Q. Did Roberta and Leon both have meetings with department

19 heads, regular meetings?

20 A. When Roberta was the warden, she would have weekly

21 meetings every morning. And then Leon, I believe, came in as the

22 deputy warden. But, once he took over, he kind of spaced them

23 out. So, it was like maybe every other week.

24 Q. Got it.

25 And who ran those meetings?

Page 41

1 A. Um, the warden herself.

2 Q. And did you attend those meetings?

3 A. Um, most of the time.

4 Q. Did Mr. Sanchez attend those meetings?

5 A. Yes.

6 Q. And how often was the subject of rodents discussed in

7 those meetings?

8 A. Like, um, almost like daily. Like if you saw something

9 you reported it.

10 Q. The meetings were once a week under Roberta though,

11 right, and maybe once every other week under Leon?

12 A. Yes.

13 Q. Is that correct?

14 A. Yeah. Roberta would have them like every morning. So,

15 you went in every morning at eight, and she had a meeting.

16 Q. Oh. Were they daily under Roberta?

17 A. Yes.

18 Q. Oh. I misunderstood that.

19 So, what I'm asking is, how often did staff, in these

20 department head meetings, discuss the presence of rodents at

21 Western?

22 A. I think the meetings weren't designed to discuss

23 rodents but more or less go over what each department was doing.

24 Maybe education was having graduation, or maybe the Chaplin would

25 gather a list together for Lent or Passover. They weren't

11 (Pages 38 to 41)

Page 42

1 designed to discuss rodents.

2 **Q. No, I get that, but I'm just wondering if it ever came**

3 **up?**

4 A. If I reported it, I -- like we just gave a general

5 overall what was happening. So, let's say, for instance, there

6 is a shortage. You would let them know there is a shortage, the

7 kitchen is doing fine, we are short-staffed with inmates, we

8 found more mouse feces. You would just kind of give a general on

9 that.

10 **Q. I see.**

11 **So, you did bring up the presence of rodents, at least**

12 **occasionally, in these department head meetings?**

13 A. Yes.

14 MS. PULLEN: Object to form.

15 **Q. (MR. ALLEN) Sorry. Could you give your answer one more**

16 **time, Ms. Estevan?**

17 A. Yes.

18 **Q. Okay. So, this is still the response to Interrogatory**

19 **No. 4. It mentions that you had communication with Ian**

20 **Tillotson.**

21 **Tell me what Mr. Tillotson's role is.**

22 A. Can you clarify that?

23 **Q. Yeah. What was your professional relationship with**

24 **Mr. Tillotson?**

25 **Like why were you communicating with him about this?**

Page 43

1 A. He was the district manager for my area.

2 **Q. Did he supervise you?**

3 A. Yes.

4 **Q. Did you have any other supervisor while you were at**

5 **Western?**

6 A. What are you asking me?

7 **Q. Who was your boss during the time you were at Western?**

8 A. Ian was my boss.

9 **Q. Tell me about the conversations you had with Ian about**

10 **rodents at Western.**

11 A. I would report it. I would let him know. Like I

12 reported in a meeting that we saw mouse feces, um. And then I

13 would let him know like nothing is being done. Then he would

14 like tell me this is what you need to do next, this is how you

15 need to, um, like give me directives to follow.

16 **Q. I see.**

17 **And how often did you speak with him about rodents at**

18 **Western do you think?**

19 A. Um, I guess like when I felt it like was overwhelming

20 about that or nothing was being done, then I would reach out to

21 him.

22 **Q. Tell me about in what situation it felt overwhelming at**

23 **Western?**

24 A. Like when you would let Western know that, you know,

25 you found mouse droppings and like they don't do anything about

Page 44

1 it. And then I would, you know, I would like try to reach out to

2 him by phone. And if I couldn't reach out to him, then I would

3 send him an e-mail, you know, letting him know that like nothing

4 is being done, um, I don't know what else to do and, um.

5 Then, like I said, he would give me like directives on

6 how to handle certain situations.

7 **Q. Was it frustrating, um, the response from corrections**

8 **staff to the presence of rodents?**

9 A. Yes.

10 **Q. And tell me about that.**

11 **What was frustrating about it?**

12 A. Like talking on deaf ears.

13 **Q. And who in particular did you feel like it just fell on**

14 **deaf ears?**

15 A. Like the wardens.

16 **Q. And, um, what about Mr. Sanchez, was he responsive?**

17 A. He was responsive. He would like, um, like he would --

18 like I said, he would tell me like: Well, you need to clean this

19 or, um, you know, you change the mouse traps and we will get

20 bins, or maybe you can, you know, talk to Orona, you know, see if

21 you can bring like big trashcans in for like the oatmeal. And

22 then I kind of like would give ideas, too. But Mr. Sanchez

23 helped me most times than anybody there.

24 **Q. With the rodents?**

25 A. Yeah, with the rodent situation.

Page 45

1 **Q. Do you feel like he recognized it as a serious problem**

2 **at the prison?**

3 MS. PULLEN: Objection, form.

4 A. I cannot answer that.

5 **Q. (MR. ALLEN) Fair enough.**

6 **You mentioned someone named Orona.**

7 **Who is that?**

8 A. That's the EID that, um, the offers protection for

9 environment.

10 **Q. That's right.**

11 **And what were your interactions with him about this,**

12 **about the presence of rodents at Western?**

13 A. Um, I know that we had, um, one visit. Um, I don't

14 remember when it was. He did find some rodent droppings. He

15 told us like what we could do. Um, then that's when I asked him,

16 like can we use the big trashcans for the oatmeal. And his

17 answer was: Yes, you can, but you have to label it. You have to

18 label it oatmeal and have a date on it when it goes in. You

19 can't just -- it has to be locked up, is what we were told.

20 **Q. How often did you interact with Mr. Orona?**

21 A. Not very often, only when he came to do the

22 inspections.

23 **Q. And how often was that?**

24 A. I believe they come yearly.

25 **Q. Did anyone else ever come in and do inspections**

12 (Pages 42 to 45)

Page 58

1 MS. PULLEN: Objection to form and foundation.  
 2 A. Um, we would limit it to equipment like that way. We  
 3 really didn't have that type of equipment, um. I know at a point  
 4 in time it was like: Well, who buys it? Who is supposed to?  
 5 It wasn't a point of just go out and buy it. It was  
 6 who had the funding for it, who was supposed to buy it, Western  
 7 or us. So, I didn't really have much knowledge as far as like  
 8 what we were supposed to provide them.  
 9 **Q. Okay. Did you ever witness inmates using any**  
 10 **protective gear, other than gloves, when they were cleaning up**  
 11 **feces during your time at Western?**  
 12 A. Can you -- like in kitchen or overall or what?  
 13 **Q. Yeah, in the kitchen.**  
 14 **Did they ever -- did they ever have any protective**  
 15 **equipment, other than gloves, when they were cleaning up rodent**  
 16 **feces?**  
 17 MS. PULLEN: Objection to form and foundation.  
 18 A. No.  
 19 **Q. (MR. ALLEN) Okay. Let's see here. How about these**  
 20 **biohazard certified inmates, do you know much about that?**  
 21 **Like how do inmates get that certification?**  
 22 A. I don't have any --  
 23 I don't know anything about like how they are chosen or  
 24 what training they do.  
 25 **Q. Okay. Let me go down now to the Bates-stamped document**

Page 59

1 **No. 14, Summit-Gen 14.**  
 2 **Do you see this one?**  
 3 **It's got Met facilities at the top. It's a work order.**  
 4 A. Yes.  
 5 **Q. Okay. It looks to me that this was around the time of**  
 6 **that 2018 EID inspection that we were looking at; is that right?**  
 7 A. Yes.  
 8 **Q. Okay. And do you, um, do you know who submitted this**  
 9 **work order?**  
 10 A. I submitted it.  
 11 **Q. You submitted it. Okay.**  
 12 **So, is this your language here, where it says, under**  
 13 **custom task, need exterminator?**  
 14 A. Um, I believe that this was the time when like the  
 15 warden wasn't answering or wasn't very responsive. So, this was  
 16 one of the times that he had came out.  
 17 **Q. Then what? Could you say that last part again?**  
 18 A. This was one of the times when Ian came out to our unit  
 19 to happen address the situation.  
 20 **Q. Got it. Yeah. What I'm wondering is if this**  
 21 **description of the task is your language.**  
 22 A. Yes.  
 23 **Q. So, it says: Need exterminator to address the rodent**  
 24 **infestation inside the wall. And then some language is cut off**  
 25 **there.**

Page 60

1 **Do you know what is -- what is cut off there?**  
 2 A. I believe it just says: Shared, shared the diet room.  
 3 **Q. Shared with or something maybe?**  
 4 A. Yeah.  
 5 **Q. Okay. Let's look at the term rodent infestation**  
 6 **though.**  
 7 **I mean, do you agree that, at least at this time in**  
 8 **2018, that there was a rodent infestation at Western?**  
 9 MS. PULLEN: Objection to form and foundation.  
 10 A. Can you explain that a little bit more?  
 11 **Q. (MR. ALLEN) Well, this is your language, right?**  
 12 **You're submitting this work order, and you're doing it,**  
 13 **um, because you want a rodent infestation addressed, and I'm**  
 14 **asking if you agree there was a rodent infestation at Western at**  
 15 **this time?**  
 16 MS. PULLEN: Same objection.  
 17 A. Well, to me, like an infestation is more than two mice  
 18 from when I see them, but, you know. And I grabbed the attention  
 19 of, you know, the wardens to have them do something, you know.  
 20 **Q. (MR. ALLEN) So, is this language accurate, or is it not**  
 21 **accurate?**  
 22 MS. PULLEN: Objection, form.  
 23 A. I guess, for me, it's accurate. I don't know how  
 24 anybody else would have seen it.  
 25 **Q. (MR. ALLEN) Okay. So, to be clear, you agree that it**

Page 61

1 **was accurate to call it a rodent infestation at Western at the**  
 2 **time you submitted this work order; is that correct?**  
 3 MS. PULLEN: Objection to form and foundation.  
 4 A. Um, yeah.  
 5 **Q. (MR. ALLEN) Okay. Then we go down here to Bates**  
 6 **Summit-Gen 16.**  
 7 **Do you see this document?**  
 8 A. Yes.  
 9 **Q. Okay. And who submitted this work order?**  
 10 A. I submitted it.  
 11 **Q. And so, you know, I'm going to have the same questions**  
 12 **as I had before. There is language under custom task.**  
 13 **That's your language?**  
 14 A. Yes.  
 15 **Q. Okay. So, you agree that there was a mouse infestation**  
 16 **in cooler four at this time?**  
 17 MS. PULLEN: Objection to form.  
 18 A. Not the whole cooler, but just one certain part.  
 19 **Q. (MR. ALLEN) So, there was a mouse infestation of one**  
 20 **certain part of cooler four?**  
 21 A. Yeah. It wasn't like -- it was just a big hole is what  
 22 it was.  
 23 **Q. And why is the hole significant?**  
 24 **Tell me about that.**  
 25 A. Because it was like in the corner. It was -- we

16 (Pages 58 to 61)



Page 62

1 wouldn't put sticky traps down.  
 2 **Q. Were there mice coming in and out of that hole?**  
 3 A. From what I -- like you lay a sticky trap down, and you  
 4 see like rodent droppings on there, yeah, but I wouldn't -- I  
 5 didn't stand there and watch it all hours of the day.  
 6 **Q. Okay. Did any of your Summit colleagues see rodents**  
 7 **coming in and out of that hole or inmates who reported it to you?**  
 8 A. Not that I can remember. It was just like an eyesore,  
 9 just something you can see.  
 10 **Q. The hole was an eyesore?**  
 11 **Let me just understand that.**  
 12 **I mean, your objection wasn't to there being a hole**  
 13 **there; was it?**  
 14 A. No. It was, like I said, it was just like -- it was a  
 15 hole that you could see it, but I don't recall anybody telling  
 16 me: Hey, there is a mouse coming out of that hole. It was just  
 17 a big hole that you could see.  
 18 **Q. So, tell me what you recall about this.**  
 19 **Why did you call it a mouse infestation if you just**  
 20 **don't recall seeing mice coming in and out?**  
 21 **Tell me more about that.**  
 22 A. Just seeing the mice droppings.  
 23 **Q. In and around the hole?**  
 24 A. Yes.  
 25 **Q. Was it a significant amount of mouse droppings?**

Page 63

1 **Why did you go to the lengths of submitting this order?**  
 2 MS. PULLEN: Object to form.  
 3 A. To try to get it fixed. To try to get it filled or  
 4 dealt with.  
 5 **Q. (MR. ALLEN) Okay.**  
 6 MS. PULLEN: Mr. Allen, could we take another break now  
 7 please?  
 8 MR. ALLEN: Yes. Absolutely.  
 9 (Recess taken from 12:31 until 1:16 p.m.)  
 10 **Q. (MR. ALLEN) Do you see that?**  
 11 MS. PULLEN: Can you tell us what page number you're  
 12 on?  
 13 MR. ALLEN: Yeah. It is -- I'll turned this sideways.  
 14 The Bates stamp is 19, Summit-Gen 19.  
 15 **Q. (MR. ALLEN) Do you see that?**  
 16 A. Yes.  
 17 **Q. Okay. There is a couple communications towards the end**  
 18 **of your discovery response that are similar. I just wanted to**  
 19 **ask you a couple questions about them if I can.**  
 20 **Can you read the date at the top, left-hand corner?**  
 21 A. January 23rd, 2019.  
 22 **Q. Okay. And could you read the second sentence, the one**  
 23 **that says: As I arrived?**  
 24 A. As I arrived a little later, Fire Safety Sanchez stated  
 25 that we did pass, but because of rodent issue EID almost didn't

Page 64

1 pass us.  
 2 **Q. Do you remember that, this at all?**  
 3 A. What, the conversation, or what am I referring to?  
 4 **Q. Yeah. Do you remember the conversation, and do you**  
 5 **also remember what is being described, this EID inspection from**  
 6 **January 2019?**  
 7 A. Um, I wasn't there. I remember that because, like I  
 8 said, I fell in the maze, but I remember seeing the fire safety  
 9 come in in the morning meeting. He said: You guys did pass.  
 10 However, there is still the rodent issue.  
 11 I don't remember the exact conversation, like what we  
 12 were referring to at the moment.  
 13 **Q. Did you review this communication before the deposition**  
 14 **this morning?**  
 15 A. Um, yes.  
 16 **Q. Okay. So, tell me what is going on there. It sounds**  
 17 **like, in the middle of that first paragraph, he is talking about**  
 18 **the need for bins.**  
 19 **Do you see that?**  
 20 **It says: Fire safety stated that there needs to be**  
 21 **bins to put the things in.**  
 22 **Do you see that sentence?**  
 23 A. Yes.  
 24 **Q. So, tell me what -- what you recall about that**  
 25 **conversation regarding the bins and fitting the food in it.**

Page 65

1 A. He suggested putting like the bags of beans and rice,  
 2 the 25-pound bags in bins, but, at the time, um, I remember going  
 3 out to go look, um, and then it was a point of, um, like who was  
 4 going to fund it, who was going to pay for it.  
 5 **Q. I see.**  
 6 **And where did you go look for the bins?**  
 7 A. I went pretty much everywhere.  
 8 **Q. Like what stores do you recall visiting?**  
 9 A. I went to National Restaurant Supply, to Target,  
 10 Walmart, Home Depot.  
 11 **Q. I see.**  
 12 **And did you find bins that would fit this purpose that**  
 13 **is being discussed here in this e-mail?**  
 14 A. No, not in the stores. They were ordered.  
 15 **Q. And tell me about the size issue that you are saying.**  
 16 **There is a sentence here that says that there is no bins big**  
 17 **enough. Tell me a little about that.**  
 18 A. When we order, we have to order enough to last a month,  
 19 um, per Summit. But then, um, we would have like fifteen  
 20 25-pound bags. So, we there is no way we could fit 15 bread and  
 21 roll bags in a bin. So, we opted out to changing. I know I  
 22 discussed with Ian at one point in time that we order weekly from  
 23 Sysco. So, we did get the bins and we started ordering like  
 24 weekly.  
 25 **Q. So, by ordering weekly you didn't need to have as much**

17 (Pages 62 to 65)

Page 66

1 food being stored at a time.  
 2 Am I understanding that right?  
 3 A. Yes.  
 4 Q. Okay. And there is a sentence a little bit further  
 5 down that says, where you're explaining the waste logs for the  
 6 different food materials. And then it says that there was,  
 7 you know, some of these bags were chewed by mice.  
 8 Can you tell me about the waste log?  
 9 What is that?  
 10 A. Um, what we write down is how many bags we threw away,  
 11 why we threw it away, um, to keep track like what was thrown out,  
 12 why. And like, if your CPM goes a little bit more, then you're  
 13 able to provide justification to the DM and the DOO. Like if  
 14 you're -- like if you're shooting for 82 percent CPM, but now  
 15 it's 125, you have that justification. And, you know, if they  
 16 question you any more, they are able to pull up camera footage at  
 17 what time, what date, and all that's documented.  
 18 Q. I think I need some follow-up clarification questions.  
 19 What is the CPM that you're referring to?  
 20 A. Cost per meal.  
 21 Q. Cost per meal. And is that --  
 22 That is written into your contract; is that correct?  
 23 A. I don't think so. I don't think it's per contract as  
 24 far as in that contract. I know it just states like food, like  
 25 feeding, but I don't think it has -- I don't think Western has

Page 67

1 anything to do with our CPM.  
 2 Q. I see.  
 3 And so how does that, um, is there sort of a target for  
 4 CPM that you had while you were at Western?  
 5 A. Um, you try to keep it out of there, but it's not  
 6 always that. It's not always going to be that.  
 7 Q. And when you say be that, do you mean it's not always  
 8 going to meet the target?  
 9 A. Yes.  
 10 Q. Do you remember what the target was?  
 11 A. I want to say 79. I'm really bad at remembering stuff  
 12 like that, but I want to say 79.  
 13 Q. And is 79, is that cents per meal?  
 14 A. Yes. Uh-huh.  
 15 Q. Okay. And who sets that?  
 16 A. I have no idea.  
 17 Q. But did you -- is that a requirement from Summit?  
 18 A. Yes.  
 19 Q. So, it's not a requirement from corrections; is that  
 20 right?  
 21 MS. PULLEN: Form and foundation.  
 22 A. No.  
 23 Q. (MR. ALLEN) Okay. And what are the kinds of things  
 24 that would make it so that you didn't meet that CPM target?  
 25 A. Like your waste of food, um, your accuracy in counting

Page 68

1 meals, um, submitting, um, like submitting your, um, invoices.  
 2 There is a lot of -- a variety of things that could associate  
 3 with why you're CPM is elevated. It's not necessarily one thing  
 4 you can point at. Sometimes, inmates stealing food, taking food.  
 5 And it just -- it could be anything.  
 6 Q. That makes sense.  
 7 And, um, how big of a concern was waste of food for you  
 8 at Western?  
 9 A. Um, it wasn't a big concern because it was always  
 10 justified. So, it was justified. It wasn't really a big  
 11 concern.  
 12 Q. And so when you say it's justified you mean you sort of  
 13 documented why there was waste?  
 14 A. Yeah.  
 15 Q. I see. And so that's what this sentence is about; is  
 16 that correct?  
 17 Like you're saying that this food in these bags needed  
 18 to be thrown out because mice chewed into them?  
 19 A. Yes.  
 20 Q. Okay. And tell me how often that came up while you  
 21 were at Western, that mice would chew into the bags so that you  
 22 had to log it on this waste log?  
 23 MS. MOULTON: Objection, form and foundation.  
 24 A. Came up to who?  
 25 What are you talking about?

Page 69

1 Q. (MR. ALLEN) How often did you need to put items on a  
 2 waste log because they were chewed up by mice or otherwise  
 3 contaminated by rodents?  
 4 MS. PULLEN: Objection, form.  
 5 MS. MOULTON: Join.  
 6 A. Um, like the whole time I was there or a certain time,  
 7 or?  
 8 Q. (MR. ALLEN) Yeah. Is this something that happened once  
 9 a month or, you know, a couple times a year?  
 10 What was the frequency in which you put items onto a  
 11 waste log because they had been contaminated one way or another  
 12 by rodents?  
 13 MS. PULLEN: Object to the form.  
 14 A. Up until, like I said, two years ago, it was, I don't  
 15 know, like every day, every other day.  
 16 Q. (MR. ALLEN) Okay. So, up until, I don't know, 2020 or  
 17 something, you had, um, you were placing things at least every  
 18 other day on a waste log because they were chewed up by rodents  
 19 or had rodent feces in them or were otherwise touched by rodents.  
 20 Am I understanding that correctly?  
 21 MS. MOULTON: Objection, form.  
 22 MS. PULLEN: Foundation.  
 23 A. Yeah, we would document. We would document -- document  
 24 what was being thrown out from the kitchen.  
 25 Q. (MR. ALLEN) And, um, who received those waste logs?

18 (Pages 66 to 69)



Page 78

1 the impression that it was Summit's responsibility to address the  
 2 rodent infestation?  
 3 A. Yes.  
 4 MS. PULLEN: Objection to form.  
 5 Q. (MR. ALLEN) Could you repeat that answer, Ms. Estevan?  
 6 A. Yes.  
 7 Q. Okay. Let me go down to the next page here. And I  
 8 have to flip this thing. Let's see here. So, this would be --  
 9 let's see. The Bates stamp is Summit-Gen 20.  
 10 Do you see that document?  
 11 A. Yes.  
 12 Q. Okay. And what is the date in the top, left corner of  
 13 this communication?  
 14 A. April 19, 2019.  
 15 Q. And you're sending this to Ian again. So, it's short.  
 16 So, if you could just read the message that you sent to Ian, I  
 17 would appreciate it.  
 18 A. So just FYI, I spent 70-some dollars on plastic bins as  
 19 the mice are not going anywhere. And all I have is mouse traps,  
 20 and those ain't working. And more every day I am throwing out  
 21 waste of gravies, cheese sauce, Fritos, tortilla chips. So, I  
 22 figure I spent a little to save inventory.  
 23 Q. Tell me about the assertion that the mouse traps aren't  
 24 working.  
 25 Like why did you feel that way?

Page 79

1 A. Because just like it says on the next one, that we're  
 2 still throwing out waste.  
 3 Q. So, from your perspective, the mouse traps didn't do  
 4 much to control the rodent problem at Western; is that correct?  
 5 MS. MOULTON: Objection, form and foundation.  
 6 A. Not at Western, but at the kitchen. I don't -- I can't  
 7 answer for the whole facility. I can only answer what was going  
 8 on in the kitchen. It wasn't working for the kitchen.  
 9 Q. (MR. ALLEN) Okay. So, just to make sure I understand,  
 10 you're saying that the mouse traps didn't work to control the  
 11 rodent problem in the kitchen at Western; is that correct?  
 12 MS. MOULTON: Same objections.  
 13 A. Yes.  
 14 Q. (MR. ALLEN) Could you repeat your answer?  
 15 I just want to make sure it's on the record.  
 16 A. Yes.  
 17 Q. Okay. What conversations did you have with Ian about  
 18 sort of saving inventory and making sure -- and, you know,  
 19 addressing any sort of waste?  
 20 Do you recall?  
 21 A. What I meant by that was like if I buy bins, because we  
 22 had tried it -- because you're talking about two separate areas.  
 23 It's not the same area. So, it started working where we had  
 24 bread and roll mixes, which was then saving us inventory. I  
 25 could see that I wasn't throwing out so much bread and roll mix

Page 80

1 and so much blueberry mix.  
 2 So, when I found that out, I said maybe I will just go  
 3 get more bins and do the other storage, do the other storage like  
 4 how I did the bakery item storage.  
 5 Q. Oh, I see. So, you bought bins for the bakery items?  
 6 A. Yes.  
 7 Q. I see.  
 8 And when did you buy those bins?  
 9 A. Um, like around the date of the 1st, like January of  
 10 that year, January or February. Because, like I said, it became  
 11 like smaller, to ones that were smaller. And is it Western or is  
 12 it Summit? And I just, like rather than waiting for an answer, I  
 13 just went out and bought it.  
 14 Q. I see.  
 15 And so this e-mail reflects that you bought additional  
 16 bins for these different food items; is that correct?  
 17 A. Yes.  
 18 Q. And was there ever any resolution about who was  
 19 responsible for that sort of infrastructure, for buying the bins?  
 20 MS. PULLEN: Objection, form and foundation.  
 21 A. I don't know if I ever waited on anybody. I have -- I  
 22 just went out and bought them. I didn't wait for an answer. I  
 23 just went to go buy them.  
 24 Q. (MR. ALLEN) Okay. Makes sense.  
 25 Let's go down to the next one. So, this is

Page 81

1 Summit-Gen 21 is the Bates stamp in the bottom, right corner.  
 2 And it is addressed to Mr. Martinez.  
 3 Can you read the date in the top, left corner?  
 4 A. May 8, 2019.  
 5 Q. Okay. Did you have a chance to review this before the  
 6 deposition as well?  
 7 A. Yes.  
 8 Q. Okay. So, just describe to me what's going on in this  
 9 communication.  
 10 Like why did you send this to Warden Martinez?  
 11 A. Um, because the inmate, um, was filing a grievance, and  
 12 it had to do with my staff and my AFSD at the time, Walley,  
 13 because she was defiant. I don't remember why we released a  
 14 certain inmate from the kitchen, um, but I remember the actual  
 15 e-mail, um, stating that we were -- just as it states.  
 16 Q. Does AFSD stand for Assistant Food Service Director?  
 17 A. Yes.  
 18 Q. Okay. So, Ms. Wally became your, um, sort of the next  
 19 person in leadership at Western or Summit?  
 20 A. Yes.  
 21 Q. Okay. And so I know who Ian is. We talked about Anne  
 22 Marie Perez.  
 23 Tell me who Mr. Branch is that's copied on this e-mail.  
 24 A. He was the, um -- they put him in charge of the kitchen  
 25 at one point in time. I don't remember if he was a lieutenant or

21 (Pages 78 to 81)

Page 86

1 A. Yes.  
 2 Q. Is that -- that is a separate cooler, correct?  
 3 A. Yes.  
 4 Q. And there was mice coming and going from there too,  
 5 right, and you wanted that hole plugged up?  
 6 MS. PULLEN: Objection to form and foundation.  
 7 MS. MOULTON: Join.  
 8 A. I don't remember seeing mice going in and out. It was  
 9 just a big hole.  
 10 Q. (MR. ALLEN) You just -- I think what you said is that  
 11 you saw rodent feces collected around the hole.  
 12 Am I remembering that correctly?  
 13 A. On the mouse trap.  
 14 Q. On the mouse trap. Okay.  
 15 And how long was that hole there without being  
 16 addressed?  
 17 A. Years.  
 18 Q. Years?  
 19 A. Uh-huh.  
 20 Q. Okay. There is, um -- you know, one thing we've heard  
 21 from a bunch of folks, including our plaintiffs, and there is a  
 22 document to this effect too, is there is some kind of vent -- and  
 23 I haven't been able to visit the facility. I've been there  
 24 before, but not in the kitchen.  
 25 But there is some sort of stack or vent in the middle

Page 88

1 Q. Well, tell me about that.  
 2 Did any inmates complain to you about that?  
 3 A. Maybe one or two.  
 4 Q. So, as far as you know, it's just one or two inmates  
 5 who had an issue with rodents in that vent?  
 6 A. Not having an issue. Just bringing it to my attention,  
 7 which we already knew.  
 8 Q. How did you know that if no one else told you about it  
 9 and you didn't observe it yourself?  
 10 A. You could see it. You could see them on the floor.  
 11 You see them, like when one went up.  
 12 Q. So, did you see, yourself, mice going in and out of  
 13 that vent?  
 14 A. I don't know about going in and out, but going in,  
 15 yeah.  
 16 Q. And how many mice did you see; that you can recall,  
 17 going into the vent?  
 18 A. Daily? Weekly?  
 19 What are you referring to?  
 20 Q. I'm asking like for a number.  
 21 Do you recall like a rough number of how many mice you  
 22 saw entering that vent over the time you were at Western?  
 23 A. Maybe just like one or two, but I don't know if they  
 24 were the same mice.  
 25 Q. Did you have any concerns about mice going in and out

Page 87

1 of the kitchen. Do you recall this?  
 2 A. Yes.  
 3 Q. And multiple people have said that there was rodents  
 4 sort of coming and going out of that vent.  
 5 Do you recall anything about that?  
 6 MS. MOULTON: Objection to form and foundation.  
 7 MS. PULLEN: Same.  
 8 A. Yes.  
 9 Q. (MR. ALLEN) And numerous people have said that there  
 10 was rodents that could be heard sort of moving around inside the  
 11 vent.  
 12 Do you recall that?  
 13 A. I don't -- didn't spend too much time listening to  
 14 mouse activity.  
 15 Q. Did anyone ever complain to you about mice living in  
 16 that vent?  
 17 A. Anyone?  
 18 Who are you talking to?  
 19 Who are you talking about?  
 20 What do you mean?  
 21 Q. I'm talking about anyone, any person.  
 22 Did any person ever complain to you about mice living  
 23 in that vent in the middle of the Western kitchen?  
 24 A. Personnel like, but they never came into the kitchen.  
 25 So, if anybody complained, it would have been inmates.

Page 89

1 of that vent?  
 2 A. Yes, and I had asked Western to remove it.  
 3 Q. And was it removed?  
 4 A. Yes.  
 5 Q. Who did you ask to remove that vent?  
 6 A. Um, maintenance.  
 7 Q. Do you ever talk to the warden about that vent?  
 8 A. I believe so, but I think they're concern was that if I  
 9 have electric going through there. So, it was something that, I  
 10 believe, had to be researched before they could take it down. I  
 11 think that's what it was.  
 12 Q. I see. Okay. Let me ask about inspections. And I'm  
 13 thinking of, you know, mainly about the -- the inspections by  
 14 Mr. Orona.  
 15 How did you, um, know when Mr. Orona was going to come  
 16 by Western to do an inspection?  
 17 A. Well, your EID comes through once a year. So, you  
 18 generally know. If you look at your EID reports, it's going to  
 19 show you the date that he was there. So, you generally know, if  
 20 you were inspected in April, he's going to come sometime in  
 21 April.  
 22 Q. I see.  
 23 And were you ever given advance warning that he was on  
 24 his way?  
 25 A. No.

23 (Pages 86 to 89)

Page 98

1 MS. MOULTON: Yeah. And I'll be more than that, so  
2 yeah. I mean, I think I'll be more than that, so let's do that.  
3 (Recess taken from 2:14 until 2:26 p.m.)  
4 MR. ALLEN: I think I forgot to mark Ms. Estevan's  
5 discovery responses as Exhibit 1. I just wanted to mention that.  
6 (Exhibit 1 was marked.)  
7

## EXAMINATION

8  
9 BY MS. MOULTON:

10 **Q. Ms. Estevan, my name is Debra Moulton, and I represent**  
11 **the defendants Sanchez, Martinez and Lucero-Ortega. And I have a**  
12 **couple of follow-up questions.**

13 **I want to start sort of where you ended with Mr. Allen**  
14 **and ask you what you did if you found contaminated food.**

15 A. What I did was, um, I would, um, pull it from the  
16 coolers, initially check the sack where it was on, if there was  
17 sacked food. And then I would put it in a plastic bag, double  
18 bag it and then let sallyport know that we had hot trash.

19 **Q. Okay. And do you recall that that happened**  
20 **infrequently? Frequently?**

21 **How often did that happen?**

22 A. Up until, like I had mentioned, maybe two years ago it  
23 happened frequently. Frequently meaning like maybe every other  
24 day.

25 **Q. Okay. And then two years ago it's stopped happening?**

Page 99

1 A. Because we, um, bought the bins. And then eventually,  
2 um, Western did give us a whole new kitchen basically.

3 **Q. Let me ask you about the bins.**

4 **When did you first purchase bins?**

5 **When did Summit first purchase bins of any type, any**  
6 **type of bins?**

7 A. Oh, gosh. I don't remember the exact year, um.

8 **Q. Do you recall having a conversation with Warden**  
9 **Lucero-Ortega regarding the bins when she was a warden?**

10 A. Um, I believe so.

11 **Q. And what do you remember about that?**

12 A. I let her know it was a suggestion from Mr. Sanchez to  
13 buy bins.

14 **Q. Okay.**

15 A. And then that's when I asked her if the state was going  
16 to buy them or if it's something that we provide. And it went  
17 down into like the contract and smaller and then we just kind of,  
18 you know, ended the conversation there.

19 **Q. I'm sorry. So, you didn't get an answer to the**  
20 **question?**

21 A. Not a direct answer. Like I said, it was always a  
22 matter of what does the contract say, um, like what is the  
23 wording in the contract. Is it small ware? Is that considered  
24 small ware, and is it provided by the state? Is it provided by  
25 Summit?

Page 100

1 **Q. And your position was that it was provided by the**  
2 **state, and what was the warden's position at that point?**

3 A. I don't know what her position was, but that was my --  
4 that was my thinking, that, um, the state was supposed to provide  
5 the bins.

6 **Q. Okay. And, um, how long did you wait after having the**  
7 **conversation with Warden Lucero-Ortega to purchase the bins?**

8 A. You know, I don't remember the year that I actually  
9 bought the bins or I first started buying them. I -- I don't  
10 remember.

11 **Q. Okay. Do you recall when Warden Lucero-Ortega was**  
12 **present at that facility as the warden?**

13 A. On buying the bins, or?

14 **Q. Just when she was the warden.**

15 **Do you remember that?**

16 A. Yeah.

17 **Q. Was she the warden there when you started?**

18 A. Yes, she was.

19 **Q. Does it sound correct in your mind that she was the**  
20 **warden there until the end of 2018?**

21 A. I believe so. I think so.

22 **Q. Okay. All right. And, um, how many conversations did**  
23 **you have with Warden Lucero-Ortega regarding the, um, regarding**  
24 **the bins, if you can recall?**

25 A. Like I had mentioned, it like wasn't the topic of

Page 101

1 discussion. You know, we just kind of went through our daily  
2 meetings, um, telling about overall days. But it wasn't -- like  
3 we didn't carry on a conversation about my bins and the kitchen.

4 **Q. Let me ask the question this way.**

5 **Do you recall having more than one discussion with her**  
6 **about the bins?**

7 A. I believe so.

8 **Q. Okay. Did you have five conversations with her about**  
9 **the bins?**

10 A. I don't remember.

11 **Q. Okay. And was she, um, urging you to get bins in the**  
12 **kitchen, um, because of an EID inspection?**

13 A. No.

14 **Q. Okay. It just came up as, from Mr. Sanchez, as a**  
15 **suggestion?**

16 A. Yes.

17 **Q. And do you remember when that came up as a suggestion**  
18 **from Mr. Sanchez?**

19 A. I -- it was Mr. Sanchez that mentioned it like most,  
20 like a lot I guess you would say. It was always a suggestion,  
21 but then, like I said, it always boiled down to who was going to  
22 pay for it. And that's when I just did due diligence and just  
23 used my purchasing card and bought it.

24 **Q. And Mr. Sanchez, I think, didn't start as FSSO until**  
25 **sometime in 2018, um, mid year, I believe.**

26 (Pages 98 to 101)

Page 102

1 Does that sound correct to you?

2 A. I believe he came on as an officer and the position was

3 open. I think. I'm not sure how he became -- how he entered in

4 that role, I guess is the way I'm putting that.

5 Q. And do you recall having discussions with him -- with

6 his predecessor about bins?

7 A. Who would his predecessor be?

8 Q. The person that was in that job before, the previous

9 FSSO?

10 A. Oh, okay. No, I don't. I don't. And I know who she

11 was, Nicole Garcia.

12 Q. Correct.

13 A. She would just give us a sack of mouse traps.

14 Q. Okay.

15 A. Not as helpful as maybe Mr. Sanchez was.

16 Q. Okay. And so, in the course of your discussion with

17 Mr. Sanchez, um, he suggested the bins, and then was that the

18 first time you purchased bins for the kitchen, for your dry

19 goods?

20 A. Um --

21 MS. PULLEN: Objection to form.

22 A. I don't remember when I purchased the bins. I -- I

23 don't remember.

24 Q. (MS. MOULTON) Did you purchase bins, um, more than one

25 time?

Page 103

1 A. Um, yes. I would have to keep like renewing them

2 because of the weight. Some of those bins weren't designed --

3 and then we always had to get the clear ones for -- for safety.

4 Q. So, do you recall how many times over the course of

5 your time at Western that you purchased bins for dry storage?

6 A. Um, like I said, it was something that I bought often,

7 maybe every other month, um. Working with inmates, they're not

8 careful. They'll just throw the bags in there. So, once I would

9 see a like a crack in it we would have to get new ones. And we

10 would have to get clear ones so the inmates aren't hiding stuff

11 in there. So, sometimes you could find them and sometimes you

12 couldn't.

13 Q. So, it sounds like you were -- you were purchasing them

14 at least from the time that Warden Lucero-Ortega was there all

15 the way until you left?

16 A. I would have to -- I would have to go back and -- if I

17 needed to, I guess ask accounting, someone in accounting when I

18 exactly bought them because I didn't buy them with cash. I

19 bought them with a purchasing card. So, I can't answer that as

20 exactly as you think I could.

21 Q. Okay. Let me ask you this question.

22 Did you, um, did you have a conversation about bins

23 with a warden other than Warden Lucero-Ortega?

24 A. Yeah, with, um, Mr. Martinez.

25 Q. Okay. And what was your conversation with Mr. Martinez

Page 104

1 about bins?

2 A. Just about who buys them, is it small ware or how --

3 just the same thing I would ask Roberta, you know, just who pays

4 for them. And that's kind of the thing because sometimes they

5 don't let you bring stuff in.

6 Does that make sense?

7 You are limited to bringing items into the prison

8 environment. So, that was another thing that we kind of had to

9 run by them before we actually brought it in.

10 Q. And how was it that you were having the same

11 conversation with Mr. Martinez that you had had with

12 Ms. Lucero-Ortega about the bins?

13 A. Because the mice were still getting -- were still

14 chewing the bags of like the bread and roll mix. So, it's just,

15 like I said, you -- you hear what Mr. Sanchez is saying, but then

16 there is also the all mighty dollar that who is going to pay for

17 them.

18 Q. And had you stopped buying bins and that led to the

19 bags being left out; is that what happened?

20 A. No.

21 MS. PULLEN: Objection to form.

22 A. Um, we -- once we started getting the bins in, then

23 that's when all of the mice started stopping. We didn't see as

24 much mice.

25 Q. (MS. MOULTON) Right. Okay. And then -- and then did

Page 105

1 you stop, um, stop buying the bins and then that resulted in more

2 chewing of the bags?

3 A. No. We always had bins thereafter.

4 Q. Okay.

5 A. We bought bins after that.

6 Q. Okay. So, I guess, what I'm wondering is, if you had

7 purchased the bins and you were keeping the bins, why did you

8 have another conversation with Warden Martinez who came after

9 Warden Lucero-Ortega.

10 Does my question make sense?

11 A. Yeah. Yeah. I understand what you're saying.

12 Q. Okay.

13 A. Because, again, it's funding. It's money that I

14 believe, um, the state should have helped with maybe.

15 Q. Okay. And what was Mr. Tillotson's take on that?

16 What did he tell you to do?

17 A. He had just told me to use the card and go out and get

18 them.

19 Q. All right. Mr. Sanchez, during the whole time was

20 telling you that you needed to get bins?

21 A. Yes.

22 MS. PULLEN: Objection to form.

23 Q. (MS. MOULTON) And, just so I'm clear, the bins were

24 used for dry storage, they were used for no other purpose; is

25 that correct?

27 (Pages 102 to 105)

Page 110

1 Like are you asking like what I would do to fix them or  
2 what method?  
3 **Q. It says: Observations and corrective actions.**  
4 **So, would this be a corrective action and then -- and**  
5 **then what would you do to address these issues, if anything?**  
6 A. So, if they could be corrected within -- if they could  
7 be corrected within my power, like, um, things needed to be  
8 reheated to one point, then we could do that. That would be  
9 corrected immediately. But if it was something that I couldn't  
10 correct, then I would explore my options. Which then, um, for  
11 example, um, like it says repair wall in cooler floor, then I  
12 would send out an e-mail to Mr. Sanchez or whatever warden was  
13 there and if we had an officer in charge of the kitchen that was  
14 delegated, and then Ian. So, I would send out an e-mail and tell  
15 them. Sometimes, you'll get --  
16 And then put in a work order. That was the most I  
17 could do. If it was out of my reach, there was nothing I could  
18 do.  
19 **Q. Right. So -- so, if you, um, if you could make the**  
20 **corrective action, then you would do that; otherwise, would you**  
21 **pass it on to Mr. Sanchez?**  
22 A. Yes. Not, um, not really Mr. Sanchez because like if  
23 it was something that I figured maintenance could repair --  
24 **Q. Right.**  
25 A. -- we would put in a work order.

Page 111

1 **Q. Okay. And would you let Mr. Sanchez know about that**  
2 **work order?**  
3 A. Yes.  
4 **Q. Was he copied?**  
5 A. Yes.  
6 **Q. He was copied on those? Okay.**  
7 **And, typically, if you did a corrective action, did you**  
8 **have a time period in which you had to make a correction?**  
9 A. Um, like as far as Ms. Orona coming back through, or?  
10 **Q. Just for any purpose.**  
11 **Yeah. Do you recall if you had a timeframe in which to**  
12 **address the issues?**  
13 A. No. I -- I --  
14 **Q. Okay. Let's take a look at Summit-Gen 5.**  
15 MS. PULLEN: Excuse me. Did you have anything else to  
16 your answer there?  
17 A. No.  
18 MS. PULLEN: Okay.  
19 **Q. (MS. MOULTON) That's an e-mail that you wrote to**  
20 **Mr. Perez on April 21 of 2017, um. And it says: The following**  
21 **were violations that have been corrected by Summit Food Service.**  
22 **And then you go through and list those specifically.**  
23 **And I guess my question to that, that originally came**  
24 **in, if you go back to Document No. 1, um, it looks like that was**  
25 **April 10th. And then your e-mail to him was April 21st.**

Page 112

1 **So, my question is, did you have a timeframe in which**  
2 **to respond, or did you just do it in 11 days because you wanted**  
3 **to be timely?**  
4 A. We didn't have, um, a deadline date --  
5 **Q. Okay.**  
6 A. -- to repair them. But, to the best of my knowledge,  
7 it's always best to correct those, um, actions immediately.  
8 **Q. Right.**  
9 A. If you can.  
10 **Q. Yes.**  
11 A. But, if you can't, then you just document like what  
12 method you took. In this case, I know that I put in a work  
13 order, and that's probably as much as I could do.  
14 **Q. Okay. Um, you indicated, um -- and you may have**  
15 **answered this already with Mr. Allen's questions.**  
16 **But in terms of what he called the stack, um, you said**  
17 **that two inmates had complained, um, about hearing mice being --**  
18 **living in the vent.**  
19 **Do you recall that?**  
20 A. I believe so.  
21 **Q. And do you recall when the vent was -- when the stack**  
22 **was removed?**  
23 A. I don't remember. I want to say maybe 2020. I don't  
24 remember. I don't have an exact date for you.  
25 **Q. Do you recall who was the warden at the time?**

Page 113

1 A. No, I don't.  
2 **Q. Were the two inmates that complained Garcia and Zapata?**  
3 A. I don't remember.  
4 **Q. You talked about Erica Langston in one of the e-mails.**  
5 **I think it was -- I'm sorry, yeah, in one of the e-mails dated**  
6 **5-8-19.**  
7 **Erica Langston, did she work in the kitchen with Zapata**  
8 **and Garcia?**  
9 A. I don't remember. I don't think she did.  
10 **Q. Did she come after or before?**  
11 A. I believe that was after.  
12 **Q. Okay. All right. You talked about your interaction**  
13 **with -- with, um, wardens and being frustrated by that.**  
14 **What was your -- did you have frustration with Warden**  
15 **Lucero Ortega?**  
16 A. Uh, yeah.  
17 **Q. And what was that frustration?**  
18 A. Just, you know, you report stuff and, to me, I just  
19 felt like nothing was being done.  
20 **Q. I'm sorry. Say that again. I'm having a hard time**  
21 **hearing.**  
22 A. Like you report stuff to them and nothing is being  
23 done.  
24 **Q. Okay. And can you explain specifically what it was**  
25 **that you reported and you felt like nothing was done?**

29 (Pages 110 to 113)

Page 114

1 A. Like the mouse holes, the mouse droppings and just  
 2 nothing was being done. You would offer suggestions, and you  
 3 would be shut down, you know, stuff like that. It's frustrating.  
 4 Q. Okay. And that was with Warden Lucero-Ortega.  
 5 How about with Warden Martinez?  
 6 A. The same thing. Just the same thing. Just --  
 7 Q. Anything in addition with him?  
 8 A. No. Just like how I mentioned you try to report stuff  
 9 and nothing is being done, and then you have inspectors coming in  
 10 and the finger is pointing at you. And it's like: Well, I  
 11 already sent e-mails. I tried to -- I gave you suggestions, but  
 12 you don't -- nothing is being done.  
 13 Q. Okay. Did you ever have a conversation with Ian about  
 14 that?  
 15 A. Yeah.  
 16 Q. And did you and Ian and the wardens meet?  
 17 A. Um, the first two wardens, no, Roberta and Leon, I  
 18 don't think so.  
 19 Q. Okay. And how about with the third warden, did you  
 20 meet with Ian at that point?  
 21 A. Um, with -- is that Ms. Richards, are you referring to  
 22 Ms. Richards.  
 23 Q. Richards. It's a hyphenated name.  
 24 A. Vigil-Richards.  
 25 Q. Okay. There you go.

Page 115

1 And so did you meet with her?  
 2 A. Yeah.  
 3 Q. With Ian?  
 4 A. Yeah, but it wasn't like the mice issue. It was -- I  
 5 don't remember what the issues were. I don't remember.  
 6 Q. Okay. To your knowledge, have any of the inmates ever  
 7 complained about you as the boss?  
 8 A. Like what kind of complaint?  
 9 Q. Any kind.  
 10 A. Not that it was brought to my attention, like any  
 11 specific conversation.  
 12 Q. Okay. And you deal with grievances, food service  
 13 grievances; is that correct?  
 14 A. It's addressed to me per ACA.  
 15 Q. Okay. And did you ever receive a grievance from  
 16 Ms. Zapata or Ms. Ortega or Ms. Garcia that you recall?  
 17 A. No.  
 18 Q. Okay. I just want to be sure. You've produced, I  
 19 think, some 22 pages of e-mails or paperwork, I should say.  
 20 How did you locate those documents?  
 21 A. I try to keep copies of everything.  
 22 Q. Okay. And so when you came to answering discovery then  
 23 you did a search on your computer to --  
 24 What did you search on your computer?  
 25 A. I -- I save all my e-mails from my boss, to my boss and

Page 116

1 from me. You know, I try not to erase anything.  
 2 Q. Okay.  
 3 A. Besides junk.  
 4 Q. And so did you go through your e-mails one by one and  
 5 look for a discussion?  
 6 How did you -- how did you select these particular  
 7 ones?  
 8 A. Um, I believe I just -- I put in the search engine my  
 9 boss's name and then kind of sifted through them. It wasn't very  
 10 hard to not find.  
 11 Q. Okay. So, would these 22 pages indicate all of your  
 12 e-mails related to rodents in the kitchen at Western during the  
 13 time that you were there?  
 14 MS. PULLEN: Objection to form.  
 15 Q. (MS. MOULTON) Let me rephrase that.  
 16 Would these 22 pages indicate all the e-mails and  
 17 documents you have saved, um, between 2017 through 2019?  
 18 A. Um, like I said, I -- I try to -- even with my current  
 19 job, I don't erase a lot of stuff.  
 20 Q. Right. So, this would be everything?  
 21 A. Yeah, um, to the best of my knowledge, unless I missed  
 22 something. I don't record phone conversations or anything that  
 23 way.  
 24 Q. Right. Okay. But how you determine -- how you located  
 25 this is -- like I'm curious. You have here like number five that

Page 117

1 we were just looking at. That was to Deputy Warden Pete Perez,  
 2 from you, in 2017. And that doesn't have your boss's name on it  
 3 anywhere.  
 4 So, how did that come up, or did you just find that in  
 5 the course of your searching?  
 6 A. Because when, like with inspections, you are always  
 7 going to have something to follow for your, um, for your, um --  
 8 you have like what corrective actions you made, and you have to  
 9 let the wardens know that you corrected these actions, or deputy  
 10 warden. I believe she was on leave at this point or something.  
 11 She was -- that's probably why it was addressed to Mr. Perez.  
 12 Q. So, would you have found that as a result of looking  
 13 through your e-mails to Mr. Tillotson?  
 14 A. Um, I don't think so because I didn't copy him on that,  
 15 and then I would forward it to him if I missed him.  
 16 Q. Okay. All right. So, you didn't necessarily provide  
 17 the, um, the e-mail to Mr. Tillotson, but you provided the e-mail  
 18 that you provided to Mr. Perez?  
 19 A. Uh-huh.  
 20 Q. Is that accurate?  
 21 A. Um, like, just like I said, if I -- if I missed, um,  
 22 copying Ian, then I would send it to him at a later date, but I  
 23 don't remember.  
 24 Q. All right. Um, if you could go to Page 10 please. You  
 25 were asked, um, by Mr. Allen about inspections, and you talked

30 (Pages 114 to 117)